

St. Louis City Ordinance 64193

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 155

INTRODUCED BY ALDERMAN KENNETH JONES , STEPHEN GREGALI

An ordinance approving a Fair Share Agreement (hereinafter referred to as the **Agreement**) between the City of St. Louis (the **City**), and the International Brotherhood of Electrical Workers Local 4 (the **Union**), authorizing and directing the execution of such Agreement attached hereto and incorporated herein by reference as Exhibit A.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: As authorized by City Ordinance 62234 approved February 15, 1991, the Director of Personnel is authorized and directed to execute, on behalf of the City, an Agreement with the International Brotherhood of Electrical Workers Local 4 , in substantially the following form, which is hereby approved on behalf of the City.

EXHIBIT A

Fair Share Agreement between City of St. Louis and International Brotherhood of Electrical Workers- Local 4

This Fair Share Agreement (**Agreement**) is entered into between the City of St. Louis (hereinafter referred to as the **City**) and the International Brotherhood of Electrical Workers- Local 4 (hereinafter referred to as the **Union**).

This Agreement shall in all respects be subject and subordinate to all applicable federal and state laws, to the charter and ordinances of the City of St. Louis, to the Civil Service Rules and Department of Personnel Administrative Regulations. The City of St. Louis will meet and confer with the Union prior to implementing any changes in specific provisions of Administrative Regulations, where such provisions have been specifically written into this Agreement.

Section 1. When authorized by an employee, the City will deduct the prescribed union dues from the wages of said employee, in accordance with Joint Regulation #1.

Section 2. The City and the Union agree that all employees in a bargaining unit for which the Union has been certified by the State or recognized by the City as the exclusive bargaining representative who are not members of the Union or who do not become members within thirty (30) days of the effective date of this Agreement shall pay a fair share fee to the Union; subject to the provisions of Sections 4 and 5 of this agreement. Said fair share fee shall represent the proportionate share of the fees which are necessary or reasonably incurred for the purpose of performing the duties of the exclusive bargaining representative. Said fees shall not include any fees for contributions related to the election or support of any candidate for political office. Any new employee hired into a bargaining unit represented by the Union who does not become a member of the Union within thirty (30) days of employment, and any employee who terminates membership in the Union and remains in the bargaining unit shall pay a fair share fee to the union subject to the provisions of Sections 5 and 6. Said fee shall be determined by the Union and is subject to approval by the Director of Personnel in accordance with Section 3 of this Agreement and City Ordinance No. 62234, provided, however, that the amount of said fees shall not exceed the amount of dues payable by members of the Union in the applicable bargaining unit.

Section 3. It shall be the sole responsibility of the Union to calculate the amount of the fair share fee that may be charged to non-union members employed within a bargaining unit. The Union shall establish procedures for the calculation of fair share fees which comply with applicable law. All fair share fees calculated by the Union shall be reviewed and agreed to by the Director of Personnel prior to implementation.

Section 4. Upon identification of the employees in a bargaining unit who are not members of the Union representing said unit, and completion of the notification process described in Section 5 and/or completion of the appeal process described in Section 6, the City shall deduct from the earnings of said employees the amount of such employees' fair share fee as determined by the Union and agreed to by the Director of Personnel and/or all fees determined to be payable by the Civil Service Commission, and shall promptly remit such monies together with appropriate records to the designated Union official.

Section 5. The Union agrees that it shall issue a notice to all bargaining unit employees who are not members of the Union on an annual basis which shall provide the following information:

- A. The statement of the amount of the fair share fee payable by bargaining unit employees who are not members of the Union (which fee may also be stated as a percentage of regular dues, at the option of the Union);
- B. A statement disclosing the method of calculating such fair share fee, including the financial information on which such calculation is based;
- C. The procedures which must be followed by such employee if the employee wishes to challenge the withholding of said fee.

The notice required by this Section shall be provided to each non-member employed in a bargaining unit represented by the Union prior to the commencement of fair share fee deductions and at least once each calendar year thereafter. In addition to the annual distribution described above, the notice required by this Section shall be provided to each new employee and to each employee who has ceased membership in the Union, prior to the deduction of any fair share fees from the earnings of such employee. The City agrees to provide to the Union, within thirty (30) days after the effective date of this Agreement, a list containing the names and work addresses of each non-member employed within a bargaining unit represented by the Union. The City agrees to notify the Union of the name and work address of each new employee and of each employee who ceases membership in the Union within thirty (30) days after such employee begins employment or ceases membership. Upon failure of the union to provide the required notices, no fair share fees shall be deducted. The Civil Service Commission shall be provided with copies of the dated notices provided to employees.

Section 6. In the event any employee challenges the Union's right to, or calculation of the fair share fee payable by such employee, such challenge shall be heard by the Civil Service Commission, which shall promptly hold a hearing and decide the matter. No fair share fee shall be withheld from the salary of an employee until the Civil Service Commission rules on that employee's challenge to the withholding of or the amount of such fee. Upon the conclusion of such a challenge, all fees determined to be payable by the Civil Service Commission and not previously paid as a result of such challenge shall become immediately due and payable.

Section 7. The Union agrees to indemnify and hold the City harmless against any liability which may arise by reason of any action taken by the City in complying with the provisions of this Agreement provided that the City gives

the Union notice in writing of any claim, demand, suit or other form of liability in regard to which it will seek to implement this Section.

CITY OF ST. LOUIS

BY: _____
Director of Personnel

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 4
.I.B.E.W.

BY: _____
CITY OF ST. LOUIS- Communications Division

BY: _____

| Legislative History | | | | |
|---------------------|----------------|-----------|-------------|---------------|
| 1ST READING | REF TO COMM | COMMITTEE | COMM SUB | COMM AMEND |
| 07/11/97 | 07/11/97 | PE | 09/23/97 | |
| 2ND READING | FLOOR AMEND | FLOOR SUB | PERFECTN | PASSAGE |
| 09/26/97 | | 10/24/97 | 10/24/97 | 10/31/97 |
| ORDINANCE | VETOED | | VETO OVR | |
| 64193 | | | | |